Notice of Allowability	Application No.	Applicant(s)	
	10/568,740	SATO ET AL.	
	Examiner	Art Unit	
	Irakli Kiknadze	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *8/22/2007*.

2. ☒ The allowed claim(s) is/are *1-7*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

1. In response to the Office action mailed March 21, 2007 the Amendment has been received on August 22, 2007.

Claims 1-4 have been amended.

Claims 5-7 have been newly added.

Claims 1-7 are currently pending in this application.

Allowable Subject Matter

2. Claims 1-7 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed because prior art fails to teach or make obvious an apparatus for evaluating a specific macromolecule crystal in a sample comprising: control means for identifying a position of the specific macromolecule crystal on the basis of an X-ray diffraction measurement, wherein a sample detecting device comprises specific macromolecule detecting means for irradiating ultraviolet light on the sample container, detecting a fluorescent image emitted from the sample in the sample container; and the control means identifying a specific macromolecule based on the fluorescent image detected by the specific macromolecule detecting means as claimed in combination with all of the remaining limitations of the claim.

Claim 5 is allowed because prior art fails to teach or make obvious an apparatus for evaluating a specific macromolecule crystal in a sample comprising control means

for identifying a position of the specific macromolecule crystal on the basis of an X-ray diffraction measurement, wherein a sample detecting device comprises specific macromolecule crystal detecting means for irradiating ultraviolet light on a sample container and detecting a fluorescent image emitted from the sample in the sample container and for irradiating visible light on the sample container and detecting the outline of a crystal in the sample from a visible light image of the sample contained in the sample container; and the control means identifying the specific macromolecule crystal and to determine the position of the specific macromolecule crystal based on the fluorescent image detected by the specific macromolecule crystal detecting means and based on said outline of the crystal detected by the specific macromolecule crystal detecting means as claimed in combination with all of the remaining limitations of the claim.

Claims 2-4, 6 and 7 are allowable by virtue of their dependence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newman et al. (US Patent Application Publication 2002/0067800

A1) teaches apparatus and method for identification of crystals by in-situ X-ray diffraction.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irakli Kiknadze
October 1, 2007
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EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER